

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Anastasia Zhadina on 03 June 2008.

The application has been amended as follows:

Please cancel claims 6-22

The following is an examiner's statement of reasons for allowance:

The marked up drawings accompanying the Applicants Remarks of 27 February 2008 were enormously helpful and appreciated by the Examiner. The Examiner had misinterpreted the Applicant's claimed invention, and the Remarks and marked up drawings clarified what the Applicant meant by first rounded portion, second rounded portion, concave portion, convex portion, and the undulations and their locations. The Examiner finds the Remarks of 27 February 2008 persuasive and there is support in the originally filed disclosure for the claimed invention.

Previously, US D402,514 to Killins and US 1,192,910 to Lawrence were relied upon for their teachings of the shaped edges including the plurality of edges having the claimed shapes including the S-shape of the fingernail edge, however Killins and Lawrence do not disclose that the tool is a flexible member formed with a plurality of

undulations. US 3,178,747 to Peterson teaches a flexible tool member having a plurality of undulations so that it is flexible and has an improved gripping surface. However, neither Peterson, Lawrence, nor Killins disclose, teach, or suggest is that the concave portion of the S-shape of the fingernail edge is in a first undulation and the rounded convex portion of the S-shape of the fingernail edge is in a second undulation of opposite direction to the first undulation and immediately following the first undulation.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura C. Guidotti whose telephone number is (571) 272-1272. The examiner can normally be reached on Monday-Thursday, 7:30am - 5pm, alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail can be reached on (571) 272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Laura C Guidotti/  
Primary Examiner, Art Unit 3723

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